

PROCEDURES FOR THE COLLECTION AND USE OF
FISHERY RESOURCES PROPAGATION AND PROTECTION FEES

(Approved by the State Council on October 9, 1988)

Article One: The present procedures are formulated pursuant to the provisions of Article XIX of "the Fishery Law of the People's Republic of China".

Article Two: All units and individuals who harvest aquatic animals or plants that grow naturally or are artificially cultured within the inland water areas, tidal land, territorial sea of the People's Republic of China or other sea areas under the jurisdiction of the People's Republic of China shall pay fishery resources propagation and protection fees (hereinafter referred to as "the fishery resources fees"), according to the Procedures.

Article Three: The collection and use of the fishery resources fees shall follow the principle of "what is taken from fishery shall be used in the interest of fishery".

Article Four: The fishery resources fees shall be collected by the fishery administrative departments of the people's governments at the county level and above or their authorized units according to the terms of reference for the approval and issuance of fishing licences. For those fishing licences approved and issued by the Fishery Administrative Department under the State Council, the fishery resources fees shall be collected by the sea area fishery administrative monitoring and management agencies (hereinafter referred to as " the sea area fishery management agencies") subordinated to the Fishery Administrative Department under the State Council.

Article Five: The fishery resources fees consist of marine fishery resources fees and inland water area fishery resources fees.

The annual amount of marine fishery resources fees shall be determined by the fishery administrative departments of the people's governments of the coastal provinces within the range of 1-3 percent of the average total annual output value of the aquatic products (excluding the output value of special fish species of higher economic value) harvested in the previous three years by the relevant fishing vessels whose fishing licences are approved and issued by the above-mentioned departments.

The annual amount of fishery resources fees in the inland water areas shall be determined by the provincial people's governments.

For the special fish species of higher economic values, the annual amount of the fishery resources fees shall be determined by the fishery administrative departments of the provincial people's governments or the sea area fishery management agencies within the range of 3-5 percent of the average total annual output value of the aquatic products harvested in the previous three years by the relevant fishing vessels whose fishing licences are approved and issued by the above-mentioned departments.

The list of fish species of higher economic value shall be drawn up by the Fishery Administrative Department under the State Council.

Article Six: The actual amount of fishery resources fees shall be determined by the fishery administrative departments of the provincial people's governments or sea area fishery management agencies within the range of fishery resources fees specified in Article Five of the present Procedures and according to the following principles:

1. For high sea fishing operations that facilitate the protection of fishery resources or are encouraged by the state, the amount of fishery resources fees shall be below the average or shall be waived for certain periods.

II. For fishing operations that should be eliminated, are detrimental to the protection of fishery resources or are restricted by the state or fishing operations with temporary fishing licences, the amount of fishery resources fees shall be above the average level upto three times.

III. For operations duly approved to harvest valuable and rare aquatic plants and animals, the amount of fishery resources protection fees shall double or at maximum triple that for the fishing operations of special fish species of higher economic value. This does not include operations duly approved to harvest valuable and rare aquatic plants and animals for research purposes.

The actual amount of fishery resources fees determined by the fishery administrative competent departments of provincial people's governments shall be ratified by the pricing departments of provincial people's governments; those determined by the sea area fishery management agencies shall be reviewed by Fishery Administrative Department under the State Council and ratified by the pricing department under the State Council.

Article Seven: The fishery administrative departments of local people's governments at the county level and above shall, according to the levy criteria of fishery resources fees specified in Article Six of the present Procedures and in light of number of vessels and their installed capacity and amount of fishing gear, determine the payable amount of fishery resources fees.

Article Eight: For mobile fishing vessels with dual registration of Guangdong Province and Hong Kong-Macao, the fishery resources fees shall be collected by the Fishery Administrative Department of the People's Government of Guangdong Province.

Article Nine: The fishery administrative departments of local people's governments at the county level and above or sea area fishery management agencies shall, while approving and issuing fishing licences, collect

fishery resources fees and specify on the fishing licence the amount paid and certify with an official seal.

Receipts shall be given for the collection of fishery resources fees.

Article Ten: Fishery resources fees shall be included in the current production cost.

Article Eleven: The fishery administrative departments of the provincial people's governments shall retain a portion of the fishery resources fees collected by them (including the portion of fees turned over by municipal and county departments) and turn over the rest to the higher authorities for overall use.

Of the marine fishery resources fees collected by fishery administrative departments of the people's governments of coastal provinces, 90 percent shall be retained and the remaining 10 percent shall be turned over to sea area fishery administrative management agencies to be used in projects for propagation and protection projects of migratory fishery resources over large areas. The fishery administrative departments of provincial people's governments shall have at their disposal all the fishery resources fees of inland water areas.

The fishery administrative departments of provincial people's governments shall, in consultation with provincial financial departments, determine the proportions of fishery resources fees collected by the fishery administrative departments of municipal and county people's governments to be turned over to provincial/autonomous regional/municipal governments.

Article Twelve: Fishery resources fees shall be used for the propagation and protection of fishery resources. The purposes of the use include:

I. Purchase of necessary equipment for releasing and rearing fries for propagation purpose; construction of artificial reefs, propagation grounds and structure in coastal and inland water areas.

II. Lending to fishermen as working fund for shifting to other occupation or production (not to be used as subsistence allowance or general working capital).

III. As complementary research funds for the propagation of fishery resources.

IV. As complementary funds to improve the management and monitoring of fishery resources for the propagation and production of the resources.

The sea area fishery management agencies shall determine the relative share between the propagation and protection activities of fishery resources in their allocation of fishery resources fees at their disposal. The fishery administrative departments of provincial/autonomous regional/centrally-governed municipal governments shall, in consultation with financial departments at the same levels, make the corresponding decisions for the fishery resources fees at their disposal.

Article Thirteen: The fishery administrative departments of the people's governments of the relevant provinces, autonomous regions and centrally-governed municipalities shall, according to the overall plan of the Fishery Administrative Department under the State Council and with funds drawn from the fishery resources fees for inland water area they collect, finance the artificial propagation release operations in transprovince/autonomous region/centrally-governed municipality major rivers.

Article Fourteen: Fishery resources fees shall be managed as extra-budgetary funds.

The fishery resources fees collected by the fishery administrative departments at the county level and above shall be turned over to the financial departments at the same level to be deposited into a special account and used for approved purposes only.

Article Fifteen: The fishery administrative departments of the local people's governments at the county level and above as well as other departments that

use fishery resources fees shall prepare revenue and expenditure plans of fishery resources fees at the beginning of each year and prepare financial statements at year-ends to be submitted to the financial departments at the same level for approval/review and to the fishery administrative departments at the higher level for record.

The revenue and expenditure plans and annual final statements of fishery resources fees prepared by sea area fishery management agencies shall be reviewed and compiled by the Fishery Administrative Department under the State Council and submitted to the financial department for review/approval.

The formats of the revenue and expenditure plans and final statements shall be drawn up by the Fishery Administrative Department under the State Council.

Article Sixteen: The financial, pricing and audit departments at various levels shall closely monitor and inspect the collection and use of fishery resources fees. Diversion and waste of fishery resources fees shall be dealt with according to the relevant regulations of the State.

Article Seventeen: The Fishery Administrative department under the State Council, together with the financial and pricing departments, shall be charged with the interpretation of the present procedures.

Article Eighteen: The present procedures shall come into effect on January 1, 1989.